

REMARKS

Claims 1-38 are pending. Claims 1-23, 29-32 and 35-38 are withdrawn from consideration.

Claim 24 has been amended to include the subject matter of dependent claim 26. Claim 26 has been cancelled.

Claims 24-26, 33 and 34 have been rejected under 35 U.S.C. 103 as being unpatentable over Domain (5,158,155) in view of Eckelt (5,206,643).

Claim 24, as amended, recites a system for selling goods having multiple purchase obtaining facilities for enabling customers to obtain pre-ordered purchases. At least one of the purchase obtaining facilities comprises:

- multiple purchase pick-up points,
- an identification station for receiving identification (ID) data provided by a customer,
- and
- a control system for receiving the ID data from the identification station to automatically assign a purchase pick-up point of the multiple purchase pick-up points to the customer in order to increase throughput of the purchase obtaining facility when the customer arrives to pick up a pre-ordered purchase.

The claim specifies that in response to the ID data, the control system issues a request to collect the pre-ordered purchase for delivery to the purchase pick-up point assigned to the customer.

The Examiner takes the position that Domain discloses a pick-up station where ordered products can be picked up.

The Examiner admits that Domain does not disclose receiving ID data and automatically assigning a purchase pick-up point of the multiple purchase pick-up points when the customer arrives to pick up a preordered purchase, as claim 24 requires.

Eckelt is relied upon for automatically providing an assigned parking space to a user after ID information is supplied to a control unit (Col. 4, lines 12-31).

It is well settled that the test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 226 USPQ 881 (Fed. Cir. 1985). In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification. *In re Lulu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

Considering Domain, the reference discloses a Vendors' Structural Complex that consolidates several vendors of retail goods and services, or a single vendor that provides various goods and services in a single drive-through complex (col. 1, lines 6-13).

The complex "is comprised of a central warehouse facility, several customer order stations interconnected with the warehouse facility, several customer pick-up stations interconnected with the warehouse facility, and a network of vehicle routing lanes extending through the warehouse facility and passing by the customer order stations and pick-up stations. Customers using the Complex are directed along the routing lanes to an order station where they place orders for goods and/or services provided by the vendors housed in the Vendors' Complex. The customers are then directed to drive to a particular pick-up station where they receive their ordered goods." (col. 2, lines 33-46).

Hence, by contrast with the claimed invention, the pick-up stations of Domain are not provided for obtaining a pre-ordered purchase when the customer arrives to pick up this pre-ordered purchase, as claim 24 requires.

Further, as the Examiner admits, Domain does not disclose receiving ID data and automatically assigning a purchase pick-up point of the multiple purchase pick-up points when the customer arrives to pick up a preordered purchase, as claim 24 requires.

Eckelt discloses that when the rented vehicle is returned, the customer identifies himself by inserting his identification card into the card reader. The control unit assigns to the vehicle a particular parking space to which the vehicle is guided.

Eckelt does not teach or suggest that the assigned parking space is a purchase pick-up point for enabling customers to obtain a pre-ordered purchase when the customer arrives to pick up the pre-ordered purchase, as claim 24 requires.

Accordingly, neither Domain nor Eckelt teaches or suggests a control system for receiving ID data and automatically assigning a purchase pick-up point of the multiple purchase pick-up points when the customer arrives to pick up a pre-ordered purchase, as claim 24 requires.

Therefore, a combination of these references is not sufficient to suggest this arrangement.

Moreover, claim 24, as amended, further requires that the control system is responsive to the ID data for issuing a request to collect the pre-ordered purchase for delivery to the purchase pick-up point assigned to the customer.

The Examiner relies upon col. 8, lines 5-15 of Domain and upon col. 3, lines 30-50 of Eckelt for disclosing this feature (recited in the original claim 26).

Considering Domain, this reference discloses that when the customer makes an order, the receipt identifies a pick-up station. Further, the terminal of the order clerk who entered the order

sends information to each of the individual vendors of the goods and services ordered (col. 8, lines 7-16).

Eckelt discloses that when the customer rents a car, he introduces his identification card. The control computer checks the card and determines whether this card entitles the user to rent a vehicle. Then, the computer imparts the identification data to the control unit of the appropriate parking lot where the desired vehicle is parked. When the customer proceeds to the parking lot, the control unit releases the access door to the parking lot (col. 3, lines 29-51).

Accordingly, neither Domain nor Eckelt teaches or suggests the control system responsive to the ID data for issuing a request to collect the pre-ordered purchase for delivery to the purchase pick-up point assigned to the customer.

Thus, the reference combination applied by the Examiner is not sufficient to suggest that in response to the ID data of the customer that arrives to pick up a pre-ordered purchase, the control system automatically assigns a purchase pick-up point to the customer and issues a request to collect the pre-ordered purchase for delivery to the purchase pick-up point assigned to the customer, as claim 24 requires.

Therefore, this arrangement is not obvious.

Accordingly, claim 24, as amended, is defined over the applied combination of references.

Dependent claims 27 and 28 have been rejected under 35 U.S.C. 103 as being unpatentable over Domain in view of Eckelt and further in view of Josef.

Claims 27 and 28 depend from claim 24. Therefore, they are defined over the prior art at least for reasons presented above.

Moreover, claim 27 recites that the control system is configured for providing a reference value to compare weight of the collected purchase with the reference value in order to inspect the collected purchase. Claim 28 specifies that the reference value is determined at a central storage facility of the system before delivery to the purchase obtaining facility.

Josef is relied upon for using a weight system (abstract).

Considering this reference, Josef discloses a security system for a retail store using a database that stores the weight of each item for sale. The security station positioned near the exit of a store includes a scale to for determining an actual weight of a bag containing purchased items, and comparing this weight with a predicted value.

Accordingly, Josef does not suggest comparing weight of a pre-ordered purchase at a purchase obtaining facility with a reference value determined before delivery of the purchase to the purchase obtaining facility.

In view of the foregoing, and in summary, claims 24, 25, 27, 28, 33 and 34 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

Entry of the amendment under 37 CFR 1.116 is respectfully requested because the amendment is limited to canceling a dependent claim and incorporating its subject matter into respective independent claim. The amendments raise no new issues that would require an additional search and/or consideration.

09/788,674

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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